



Attorney Docket: 00035.09CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al. )  
Serial No.: 10/768,293 ) Examiner: M. Haghigian  
Filing Date: January 29, 2004 ) Group Art Unit: 1616  
For: DELIVERY OF ANTIHISTAMINES )  
THROUGH AN INHALATION ROUTE )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. The Examiner is requested to make these documents of record.

09/27/2005 HLE333 00000041 10768293

03 FC:1806

180.00 OP

**TIME OF TRANSMITTAL**

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180.00 in accordance with 37 CFR

---

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on \_\_\_\_\_.

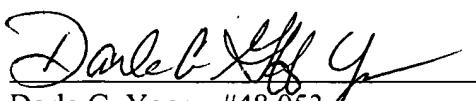
Signature: \_\_\_\_\_  
Name: TASHA L. PIERCE

§§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: September 23, 2005



Darla G. Yoerg, #48,053

Swanson & Bratschun, L.L.C.

1745 Shea Center Drive, Suite 330

Highlands Ranch, Colorado 80129

Telephone: (303) 268-0066

Facsimile: (303) 268-0065

cc: W. Leschensky

S:\CLIENTFOLDERS\ALEXZA\35.09CON\00035.09CON IDS FINAL.DOC

ATTY. DOCKET NO.

00035.09CON

SERIAL NO.

10/768,293

APPLICANT

Rabinowitz, et al.

FILING DATE

January 29, 2004

GROUP

1616

## U.S. PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	05/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
	AD	10/302,614	11/21/2002	Lu			
	AE	10/322,227	12/17/2002	Novack et al.			
	AF	10/442,385	05/20/2003	Cross et al.			
	AG	10/719,540	11/20/2003	Hale et al.			
	AH	10/750,303	12/30/2003	Rabinowitz et al.			
	AI	10/850,895	05/20/2004	Damani et al.			
	AJ	10/851,018	05/20/2004	Hale et al.			
	AK	10/851,429	05/20/2004	Hale et al.			
	AL	10/851,432	05/20/2004	Hale et al.			
	AM	10/851,883	05/20/2004	Hale et al.			
	AN	10/861,554	06/03/2004	Cross et al.			
	AO	10/912,417	08/04/2004	Bennett et al.			
	AP	10/917,720	08/12/2004	Hale et al.			
	AQ	10/917,735	08/12/2004	Hale et al.			

## FOREIGN PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AR	GB 502 761	03/24/1939	Great Britain			
	AS	WO 94/09842	05/11/1994	WIPO			
	AT	WO 96/31198	10/10/1996	WIPO			
	AU	WO 97/36574	10/09/1997	WIPO			
	AV	WO 03/37412	05/08/2003	WIPO			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AW	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"
	AX	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AY	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AZ	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AAA	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**FORM PTO-1449 U.S. DEPARTMENT OF  
COMMERCE PATENT  
AND TRADEMARK  
OFFICE**

List of Information Cited by Applicant

Page 2 of 3

ATTY. DOCKET NO.	SERIAL NO.
00035.09CON	10/768,293
<b>APPLICANT</b>	
Rabinowitz, et al.	
<b>FILING DATE</b>	<b>GROUP</b>
January 29, 2004	1616

**U.S. PATENT DOCUMENTS**

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	BA	3,219,533	11/23/1965	Mullins			
	BB	3,949,743	04/13/1976	Shanbrom			
	BC	3,982,095	09/21/1976	Robinson			
	BD	4,141,369	02/27/1979	Burruss			
	BE	4,183,912	01/15/1980	Rosenthal			
	BF	4,232,002	11/04/1980	Nogrady			
	BG	4,303,083	12/01/1981	Burruss, Jr.			
	BH	4,474,191	10/02/1984	Steiner			
	BI	4,484,576	11/27/1984	Albarda			
	BJ	4,566,451	01/28/1986	Badewien			
	BK	4,708,151	11/24/1987	Shelar			
	BL	4,734,560	03/29/1988	Bowen			
	BM	4,735,217	04/05/1988	Gerth et al.			
	BN	4,819,665	04/11/1989	Roberts et al.			
	BO	4,848,374	07/18/1989	Chard et al.			
	BP	4,853,517	08/01/1989	Bowen et al.			
	BQ	4,906,417	03/06/1990	Gentry			
	BR	4,917,119	04/17/1990	Potter et al.			
	BS	4,924,883	05/15/1990	Perfetti et al.			
	BT	4,941,483	07/17/1990	Ridings et al.			
	BU	4,963,289	10/16/1990	Ortiz et al.			
	BV	5,042,509	08/27/1991	Banerjee et al.			
	BW	5,060,671	10/29/1991	Counts et al.			
	BX	5,135,009	08/04/1992	Muller et al.			
	BY	5,144,962	09/08/1992	Counts et al.			
	BZ	5,146,915	09/15/1992	Montgomery			
	BAA	5,224,498	07/06/1993	Deevi et al.			
	BBB	5,345,951	09/13/1994	Serrano et al.			
	BCC	5,366,770	11/22/1994	Wang			
	BDD	5,456,247	10/10/1995	Shilling et al.			
	BEE	5,511,726	04/30/1996	Greenspan et al.			
	BFF	5,564,442	10/15/1996	MacDonald et al.			
	BGG	5,592,934	01/14/1997	Thwaites			
	BHH	5,605,146	02/25/1997	Sarela			

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  List of Information Cited by Applicant  Page 3 of 3	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
	00035.09CON	10/768,293
	<b>APPLICANT</b>	
	Rabinowitz, et al.	
<b>FILING DATE</b>	<b>GROUP</b>	
January 29, 2004	1616	

<b>U.S. PATENT DOCUMENTS</b>							
<b>EXAM. INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLS</b>	<b>SUB- CLS</b>	<b>FILE DATE</b>
CA		5,649,554	07/22/1997	Sprinkel et al.			
CB		5,666,977	09/16/1997	Higgins et al.			
CC		5,743,251	04/28/1998	Howell et al.			
CD		5,819,756	10/13/1998	Mielordt			
CE		5,840,246	11/24/1998	Hammons et al.			
CF		5,855,913	01/05/1999	Hanes et al.			
CG		5,874,481	02/23/1999	Weers et al.			
CH		5,894,841	04/20/1999	Voges			
CI		5,918,595	07/06/1999	Olsson et al.			
CJ		6,090,212	07/18/2000	Mahawili			
CK		6,131,570	10/17/2000	Schuster et al.			
CL		6,136,295	10/24/2000	Edwards et al.			
CM		6,155,268	12/05/2000	Takeuchi			
CN		6,158,431	12/12/2000	Poole			
CO		6,234,167	05/22/2001	Cox et al.			
CP		6,632,047	10/14/2003	Vinegar et al.			
CQ		6,701,922	03/09/2004	Hindle et al.			
CR		6,772,756	08/10/2004	Shayan			
CS		2002/0117175	08/29/2002	Kottayil et al.			
CT		2002/0061281	05/23/2002	Osbakken et al.			
CU		2004/0016427	01/29/2004	Byron et al.			
CV							
CW							
CX							
CY							
CZ							
CAA							
CBB							
CCC							
CDD							
CEE							
CFF							
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							